REMARKS/ARGUMENTS

The present amendment is submitted in an earnest effort to advance the case to issue without delay.

Independent claims 1 and 13 now identify the hair oil as "consisting essentially of" in replacement of the term "comprising". Element (i) replaces the lower limit of 20% with "60%". Support is found in Example 4 wherein coconut oil as the only first oily component is present at that percentage. Element (ii) replaces the upper limit of 80% with "40%". Support is also found in Example 4 where the light mineral oil has the recited percentage.

Claim 13 was rejected under 35 U.S.C. § 102(b) as anticipated by Kawasaki et al. (US Patent 5,556,970). Applicants traverse this rejection.

Kawasaki et al. discloses in Example 51 a hair oil composition containing 33% each of liquid paraffin and castor oil. Amended claim 13 now recites levels of glyceride fatty esters in amounts of at least 60%. Neither does the reference disclose hair oil compositions where the glyceride fatty ester is present in a substantially higher amount than the castor oil. For these reasons the claims do not lack novelty.

Claims 1, 6-9 and 12 were rejected under 35 U.S.C. § 103(a) as being obvious by Kawasaki et al. (US Patent 5,556,970) alone or in view of French patent 838,699 to Dickeson. Applicants traverse this rejection.

Primary focus of Kawasaki et al. is on the production and use of lanolin fatty acids. These are recovered via boric acid treatment and hydrolysis as methyl esters of the fatty acids. These are not the presently claimed glyceride fatty esters. In all examples and aspects of the reference, it is important to include the lanolin fatty acid or methyl esters. Example 51 highlighted by the Examiner as closest prior art recites 34% S26 lanolin acid ester. By contrast, applicants' claims exclude S26 lanolin derivatives in several ways. Firstly, the phrase "consisting essentially of" excludes any substantial amount of oil other than the recited glycerides and light mineral or hydrocarbon oils. Secondly, the claims require at least 60% of a glyceride oil and at least 20% of a light mineral or hydrocarbon oil. This leaves only 20% formulation space for other ingredients. It is clear from Example 51 that hair oils according to the reference must include a lanolin fatty acid or ester as highest concentration ingredient or at least present in very significant amounts. Claims 1 and 13 exclude any significant amount of lanolin fatty acid esters. The teachings of the reference are thus quite distinct from the presently claimed invention.

Dickeson was cited for teaching hair oil containing 10-40% almond oil and 10-40% paraffin oil, accompanied by activated aqueous gelatinous alumina with or without additional water. Example 13 was highlighted by the Examiner.

Unlike the claims, Dickeson does not teach glyceride oils present at a minimum of 60% of the composition. Neither is there any suggestion or teaching that in all instances the glyceride should be the dominant oil of the composition.

A combination of Kawasaki et al. in view of Dickeson would not render the instant invention obvious. Neither of the references teach levels of glyceride first oily component at a minumum 60% level. Both references also require very substantial amounts of other components, e.g. lanolin derivatives and gelatinous alumina, respectively. The "consisting essentially of" language excludes these major materials required by the references. For these reasons, the combination of art would not render the instant invention obvious.

Claims 1, 6-9 and 12-13 were rejected under 35 U.S.C. § 103(a) as unpatentable over the French patent 838,699 to Dickeson in view of Jones (US Patent 5,116,607). Applicants traverse this rejection.

Dickeson has several deficiencies. The Examiner has recognized that this reference does not specify light paraffin oil. Applicants underline the deficiency of Dickeson in not teaching high levels of glyceride oil beginning at 60%. Applicants have achieved with the claimed formulas a significant reduction of greasy feel while maintaining ease of combing found in 100% glyceride formulas. See the comparative Examples at page 8.

Jones was cited for teaching light paraffin oil. Yet unlike the claims, Jones employs the light paraffin oil as a major rather than a minor component. For instance, the hair dressing at column 1 (lines 30-67) bridging to column 2 (line 14) formulates with 9,280 grams petrolatum (light). This represents more than 50% of the formula. The largest amount of glyceride oil present is 1,160 grams of glycerol stearate. Other much smaller amounts of glyceride oil are also added. If Jones stands for the proposal of using light mineral oil, it likewise stands for having the light mineral oil as the major

component. This contrasts with the present claims. Applicants' invention requires a major amount of glyceride but only a minor amount of light mineral oil.

A combination of Dickeson in view of Jones would not render the instant invention obvious. Neither of the references suggests utilizing a major amount, more particularly at least 60% by weight of a glyceride oil. These references in combination would not render the instant invention prima facie obvious.

Claims 1, 6-9 and 12-13 were rejected under 35 U.S.C. § 103(a) as unpatentable over EP 0 546 235 alone or in view of Jones (US Patent 5,116,607). Applicants traverse this rejection.

EP '235 reports a hair treatment intended for growing hair. This contrasts with the present method intended merely to condition hair.

EP '235 has a single disclosure with respect to ingredient concentrations. This is found in the Example directly above the claims. Each of six components are present in equal amounts. The first four components are glyceride oils and the latter are glycerin and paraffin. Thus, the illustrated Example has only 16.7% paraffin. This is less than the claim required 20%.

As confirmed by the Examiner, EP '235 does not disclose light paraffin oils. For this reason, Jones was cited. However, the secondary reference teaches that when a light mineral oil is present, it must be in a major amount and greater than any glyceride oils present.

A combination of EP '235 in view of Jones would not render the instant invention obvious. EP '235 does not disclose a minimum of 20% light mineral oil. However, Jones teaches substantially more than 40% of the light mineral oil. Accordingly, the references together either suggest relatively high levels of paraffin/mineral oil or relatively too low levels. They do not teach the narrow operating range in which applicants found the invention to give surprising unexpected results.

In view of the foregoing amendment and comments, applicants request the Examiner to reconsider the rejection and now allow the claims.

Respectfully submitted,

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